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In re application of:	Ingram S. Chodorow, et al.	:	DECISION ON
Serial No.	09/583,626	:	PETITION
Filed:	May 31, 2000	:	
For:	AUTOMATIC PRESSURE RELEASE	:	
	TOOTHBRUSH	:	

This is a response to the PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT BASED ON APPLICANT'S FAILURE TO RECEIVE ORIGINAL NOTICE OF NON-COMPLIANCE AMENDMENT filed on June 15, 2005. The petition requests that the abandonment be withdrawn since the applicant did not receive the Notice of Non-Compliant Amendment mailed January 17, 2005.

DECISION

Since the petitioner asserts that the applicant did not receive the Non-Compliant Amendment mailed January 17, 2005, the request is accepted as a petition under 37 C.F.R. § 1.181 (no fee) and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action, TMOG 1156 O.G. 53, November 16, 1993, (see also MPEP 711.02 - NEW PROCEDURE TMOG 1170 O.G. 114).

The evidence presented by the petitioner complies with the requirements set forth in MPEP § 711.03(c). The evidence presented is sufficient to establish that the Non-Compliant Amendment mailed January 17, 2005 was not received at the correspondence address. The evidence provided includes a statement by the petitioner that the Non-Compliant Amendment mailed January 17, 2005 was not received. Also provided is a copy of the application docket records where the Non-Compliant Amendment would have been posted had it been timely received. The instant petition also contains a statement attesting that a search of the file jacket was made, and the results of such a search revealed that the office communication was not received as is required by MPEP § 711.03(c).

Therefore any holding of abandonment for failure to timely file a proper response to the Non-Compliant Amendment mailed January 17, 2005 is hereby vacated, and the application is returned to pending status.

The application shall be forwarded to the examiner for consideration of the substitute amendment submitted with the petition.

The Petition is **GRANTED**.

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